


# Environmental Law and Policy in BRICS Countries: Legal Analyses of Sustainable Development Goals and Enforcement Strategies'

## 'Human Rights in BRICS: A Comparative Approach to International Standards and Domestic Legal Systems

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Article Info	ABSTRACT
<p><i>Article history:</i></p> <p>Received Dec, 2024 Revised Dec, 2024 Accepted Dec, 2024</p> <hr/> <p><i>Keywords:</i></p> <p>Environmental Law Human Rights BRICS Countries Sustainable Development Goals Legal Frameworks</p>	<p>This paper examines the legal frameworks and enforcement strategies related to environmental governance and human rights in BRICS countries—Brazil, Russia, India, China, and South Africa. Through normative analysis, the study explores the alignment of national laws with Sustainable Development Goals (SDGs) and international human rights standards. The findings reveal significant variations in legislative approaches and enforcement mechanisms across BRICS nations, influenced by socio-economic priorities and institutional capacities. The analysis highlights the challenges of balancing economic growth with sustainability and social equity while identifying best practices and opportunities for regional collaboration. This study contributes to the discourse on sustainable development by emphasizing the need for integrated legal approaches to environmental governance and human rights protection in BRICS countries.</p> <p><i>This is an open access article under the <a href="#">CC BY-SA</a> license.</i></p> 

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### 1. INTRODUCTION

The BRICS coalition—Brazil, Russia, India, China, and South Africa—plays a pivotal role in reshaping global geopolitics and economic development, representing over 41% of the world's population and abundant natural resources. This group wields growing influence in addressing challenges like environmental sustainability and human rights, despite the diversity in their political and economic systems posing

both opportunities and challenges [1]. Economically, BRICS accounts for a significant share of global GDP, with four members among the ten largest economies, and the New Development Bank reflects their push to reform financial institutions and strengthen global economic governance [2]. Geopolitically, BRICS supports a multipolar world order, countering Western dominance through coordinated actions in global institutions like the IMF and UN [1], [3], [4]. However, differing governance models

hinder unified responses to environmental and human rights issues, potentially reducing their effectiveness in these areas [5].

The interplay between environmental law and human rights is crucial for sustainable development, particularly in BRICS countries, where economic growth often conflicts with environmental protection and human rights. The Sustainable Development Goals (SDGs) provide a framework for addressing these challenges, emphasizing robust environmental policies that respect human dignity. Recognized as fundamental human rights, environmental rights are vital for a healthy environment and sustainable governance [6], with the UN Human Rights Council affirming in 2021 the right to a clean, healthy, and sustainable environment to combat degradation [7]. BRICS nations face issues like illegal deforestation and pollution, threatening the rights of vulnerable populations, including indigenous communities [8]. Economic activities often jeopardize environmental rights, endangering the health and livelihoods of marginalized groups [8]. The SDGs promote a human rights-based approach to development, addressing inequalities and ensuring equitable resource access [9], while frameworks like the Escazú Agreement protect environmental defenders and vulnerable groups, fostering inclusive governance [10].

The BRICS nations face significant challenges in tackling climate change, environmental degradation, and human rights violations, necessitating robust legal frameworks and enforcement. Despite their economic power, rapid industrialization has deepened environmental and social disparities. To align with SDG 13, they must adopt sustainable development strategies, leveraging transnational legal mechanisms to harmonize laws and share best practices [11]. Stringent environmental policies, renewable energy integration [12], sustainable resource management [13], and the use of ICT for innovation and efficiency (Riaz et al., 2024) are key to promoting environmental sustainability and reducing ecological

footprints. The urgency is amplified by the pressing need for international cooperation and shared accountability in addressing these challenges effectively.

Despite their shared status as emerging economic powers, the BRICS countries exhibit significant disparities in their legal approaches to environmental governance and human rights protection. These variations hinder their ability to collaborate effectively on global issues such as climate change and social equity. Environmental laws in these countries often face weak enforcement, institutional inefficiencies, and conflicts with economic priorities, resulting in significant gaps in achieving SDGs. Similarly, while BRICS nations have ratified key international human rights conventions, their domestic legal systems frequently fall short of meeting these standards due to inconsistencies, resource constraints, and sociopolitical factors. This dual challenge of addressing environmental and human rights issues within complex and diverse legal systems necessitates a comprehensive analysis to identify gaps, best practices, and potential avenues for improvement. Without such efforts, the BRICS nations risk exacerbating environmental and social inequities, undermining their role as leaders in global sustainable development.

This paper explores these two critical dimensions through a normative legal analysis, focusing on the legislative frameworks, enforcement mechanisms, and policy strategies employed by BRICS nations. The first segment examines the alignment of environmental laws and policies with the SDGs, highlighting the enforcement strategies adopted to tackle environmental challenges. The second segment delves into the human rights landscape, comparing domestic legal systems in BRICS countries with international human rights standards to identify progress and areas of concern. The significance of this study lies in its ability to shed light on how BRICS countries navigate the complex interplay between environmental governance and human rights. By analyzing their legal

and institutional approaches, the paper aims to contribute to the ongoing discourse on sustainable development and social justice. It also provides actionable insights for policymakers, legal practitioners, and international organizations seeking to enhance cooperation and promote global sustainability.

## 2. LITERATURE REVIEW

### 2.1 *Environmental Law and Sustainable Development Goals in BRICS*

The BRICS countries face significant environmental challenges arising from rapid industrialization, population growth, and resource exploitation, with each nation adopting distinct policy responses reflecting their legislative frameworks and enforcement capacities. Brazil grapples with deforestation in the Amazon, balancing economic growth and conservation [12]. China leads in renewable energy investment yet remains the largest greenhouse gas emitter, necessitating stringent environmental policies [14]. India's Environmental Protection Act of 1986 demonstrates progressive aspirations, but enforcement is hindered by bureaucratic inefficiencies [15]. Russia and South Africa face industrial pollution and biodiversity loss, requiring tailored legal and policy responses [16]. While BRICS nations have aligned many environmental laws with the SDGs, enforcement gaps and

a lack of cohesive legal frameworks and inter-agency coordination undermine efforts in climate action and sustainable land use [17]. Enhanced regional collaboration and knowledge sharing could bolster their collective ability to meet SDG commitments.

### 2.2 *Human Rights in BRICS: A Comparative Perspective*

The protection and promotion of human rights in BRICS countries are shaped by their unique political systems and cultural contexts, resulting in a complex interplay between international norms and domestic legal frameworks. Brazil integrates international human rights conventions but faces challenges in addressing socio-economic inequalities and protecting indigenous rights [18]. Russia demonstrates selective adherence to international norms, often influenced by geopolitical interests [18]. India relies on its constitution and judiciary to safeguard rights, yet caste discrimination and gender inequality remain significant issues [19], [20]. China emphasizes economic rights over political freedoms, drawing criticism for its human rights policies [18]. South Africa, despite a progressive constitution, struggles with systemic socio-economic challenges and high

inequality [18]. Weak enforcement mechanisms are a common issue across BRICS nations, with corruption undermining human rights institutions [18], resource constraints affecting the autonomy of national commissions in India and South Africa [18], [21], and political interference hindering the ability to address systemic violations [18].

### 2.3 Gaps and Future Directions

While existing literature provides valuable insights, several gaps remain. Comparative studies on environmental law and human rights across all BRICS countries are limited, particularly those examining their collective role in global governance. Furthermore, there is a lack of research on how regional cooperation among BRICS nations can enhance their capacity to address shared challenges. This study aims to address these gaps by providing a comprehensive analysis of legal frameworks, enforcement mechanisms, and policy strategies in BRICS countries, with a focus on their alignment with SDGs and international human rights standards.

## 3. METHODS

### 3.1 Research Approach

The normative legal research method is chosen to examine legal texts, policies, and institutional frameworks within the BRICS countries. This approach focuses on analyzing primary and secondary legal sources to identify patterns, gaps, and best practices. The study adopts a comparative perspective, enabling the evaluation of similarities and

differences in how BRICS nations address environmental and human rights issues.

### 3.2 Data Collection

The study is based on a systematic review of legal and policy documents, international treaties, and scholarly literature, drawing data from multiple sources. Primary legal sources include national constitutions, environmental laws, human rights statutes, and judicial decisions from BRICS countries. Secondary sources encompass academic journals, books, and reports from international organizations such as the United Nations, World Bank, and NGOs. Additionally, policy documents such as national development plans, environmental policies, and human rights strategies are analyzed to provide a comprehensive understanding of the legal and policy landscape.

### 3.3 Analytical Framework

The analysis is structured into two main components: environmental law and human rights, each examined through specific criteria. The legal framework analysis identifies relevant laws and regulations in each BRICS country and evaluates their alignment with the SDGs and international human rights standards. Enforcement mechanisms are assessed by analyzing institutional capacities, judicial effectiveness, and policy implementation while identifying barriers such as corruption, political interference, and resource constraints. A comparative analysis provides a cross-country comparison of legislative approaches and enforcement strategies, highlighting best practices and areas needing improvement. Additionally, an interlinkage analysis explores the intersection between environmental governance and human rights, particularly the right to a healthy environment, and examines the socio-economic impacts of environmental policies on vulnerable populations.

## 4. RESULTS AND DISCUSSION

### 4.1 Environmental Law and Policy in BRICS Countries

#### 1. Legislative Frameworks and Alignment with SDGs

The analysis reveals that all BRICS countries have established legal frameworks addressing environmental protection, albeit with varying degrees of alignment with the Sustainable Development Goals (SDGs). Brazil, for instance, has a comprehensive legal structure aimed at biodiversity conservation, particularly through the Forest Code and the National Environmental Policy. However, enforcement is hindered by political and economic pressures, particularly in the Amazon region.

China has made significant progress in renewable energy investment and emission reduction, yet faces criticism for inconsistent enforcement of environmental laws, particularly in industrial sectors. This duality reflects broader trends among BRICS nations, where legislative frameworks exist but implementation often falters due to various challenges. As the largest global emitter of greenhouse gases, contributing nearly 29% of emissions as of 2011 [22], China has prioritized renewable energy sources like hydropower, wind, and solar to transition from fossil fuels [23]. However, weak enforcement in industrial areas continues to drive environmental degradation [24]. Similarly, India has enacted notable laws, including the Environmental Protection Act (1986) and the Forest Rights Act (2006), but faces bureaucratic inefficiencies and funding shortfalls, leading to inconsistent protection [25]. In Russia, environmental legislation is less comprehensive, often prioritizing economic growth over sustainability, while South Africa, despite policies like the National Environmental Management Act (1998), struggles with enforcement due to limited institutional capacity [25].

#### 2. Enforcement Mechanisms and Challenges

Across BRICS countries, enforcement mechanisms face common challenges such as

insufficient funding, corruption, and lack of inter-agency coordination, undermining their effectiveness. In Brazil, underfunded deforestation monitoring programs limit impact, while in China, local governments often prioritize economic growth over enforcing penalties for industrial pollution. India's environmental courts and tribunals are under-resourced, causing delays in adjudication. Russia struggles with weak civil society engagement and limited public participation, reducing transparency in environmental governance, and South Africa experiences institutional fragmentation that hinders the implementation of national environmental policies. These findings indicate that stronger regional collaboration among BRICS nations, through knowledge exchange and coordinated efforts, could significantly enhance enforcement mechanisms.

### 3. Human Rights in BRICS Countries

The human rights landscape across BRICS countries exhibits significant variations in the integration of international norms into domestic legal systems. Brazil and South Africa have incorporated international human rights conventions into their constitutional frameworks, providing robust protections for civil and socio-economic rights. However, systemic issues such as inequality and gender-based violence persist. In contrast, Russia and China adopt a selective approach to international human rights standards, emphasizing state sovereignty and often prioritizing socio-economic rights over civil and political freedoms. India, with its constitutional provisions and active judiciary, has made significant strides in human rights protection but continues to face challenges related to caste discrimination, gender inequality, and minority rights.

The enforcement of human rights in BRICS countries is hindered by institutional inefficiencies and resource limitations, compounded by socio-political contexts and economic disparities. In Brazil, marginalized communities face persistent socio-economic

inequities that limit access to rights and justice [26], while indigenous populations are increasingly displaced due to deforestation and resource extraction, reflecting the intersection of environmental and human rights issues [27]. Russia's human rights institutions are constrained by political interference, undermining their independence and effectiveness [28]. In India, judicial activism has driven landmark rulings, yet bureaucratic inefficiencies hinder consistent enforcement, with environmental degradation disproportionately affecting rural populations and exacerbating social inequities [27], [29]. China's state-centric model prioritizes economic rights at the expense of political freedoms, mirroring broader trends in human rights enforcement [30]. In South Africa, a progressive constitution is offset by socio-economic inequalities and high crime rates, challenging the realization of human rights for many citizens [26].

#### 4. Comparative Analysis and Best Practices

Governance practices across BRICS countries highlight opportunities for improvement through shared best practices, with each nation offering unique strengths to inform a collective approach to enhancing governance, particularly in environmental and human rights domains. Brazil and South Africa have enshrined environmental and human rights in their constitutions, providing a robust legal framework that empowers civil society and enhances accountability mechanisms [31]. China's substantial investments in renewable energy and green technologies position it as a leader in sustainable economic growth, addressing environmental concerns while stimulating economic development—a model for other BRICS nations to emulate [32]. India's judiciary plays a proactive role in environmental and human rights cases, with judicial activism resulting in significant rulings that protect these rights, offering valuable lessons in governance [31]. In Russia, strengthening civil society participation and

the role of non-governmental organizations is essential for improving transparency and accountability, fostering greater public engagement and oversight in governance [33].

#### Discussion

The findings underscore the urgent need for integrated approaches to environmental governance and human rights protection in BRICS countries, emphasizing several key points. Balancing economic growth with robust environmental and human rights protections remains a critical challenge. Strengthening institutional capacity and addressing corruption are essential for effective enforcement, while enhanced regional collaboration among BRICS nations can facilitate knowledge sharing and innovative policy development. Moreover, fostering civil society engagement and public participation is vital for ensuring transparency and accountability in governance, reinforcing the connection between sustainable development and human rights protection.

#### 5. CONCLUSION

This study concludes that Hadith and Legal The analysis of environmental governance and human rights in BRICS countries highlights both progress and ongoing challenges. While legislative frameworks reflect a commitment to addressing environmental issues and protecting human rights, enforcement remains inconsistent due to resource constraints, institutional inefficiencies, and conflicting socio-economic priorities. BRICS nations have aligned environmental laws with SDGs, but enforcement requires strengthening; Brazil's biodiversity conservation laws and China's investments in green technologies offer valuable lessons. Human rights protections vary, with socio-economic inequalities, political interference, and limited institutional capacity undermining their effectiveness, though South Africa's constitutional framework and India's judicial activism demonstrate the potential of robust legal mechanisms. The

intersection of environmental governance and human rights is evident, as environmental policies often impact marginalized communities, necessitating a holistic approach for sustainable development. Enhanced regional collaboration, including knowledge sharing, joint initiatives, and partnerships, can bolster their collective

capacity to address shared challenges. This study underscores the urgency of integrated legal and policy approaches, emphasizing that sustainable development demands addressing environmental sustainability and human rights together, supported by stronger institutions, regional cooperation, and public engagement.

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